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DECLARATION OF COLONEL WALTER PATRICK LANG

I, Walter Patrick Lang, have been retained by the defendants in the case of *United States v. Pirouz Sedaghaty*, CR 05-60008 HO, to provide my opinion based on my experience and training as a defense intelligence expert and declare under penalty of perjury that the following is true:

A. Qualifications as a Defense Intelligence Expert

1. I am a retired colonel of the United States Army and am also retired from the Senior Executive Service (SES) of the Defense Intelligence Agency (DIA). During my service as a Senior Executive I was awarded the "Presidential Rank of Distinguished Executive." In the US Army I served in the infantry, Special Forces (Green Berets), and military intelligence.
2. I am fluent in the Arabic and French languages and was the first professor of the Arabic language at the United States Military Academy at West Point, New York. I hold a Master of Arts degree from the University of Utah in Middle East studies. My major field for that degree was Arabic language literature.
3. In DIA I was the "Defense Intelligence Officer for the Middle East, South Asia and Counterterrorism" (DIO) for eight years. As such, I was the chief substantive officer in the agency for all intelligence work in the field and in Washington for my area of responsibility. Before my retirement from the Army I was "Defense and Army attaché" in Yemen and later in Saudi Arabia.
4. In the last several years of my government service (34 years), I was head of all Department of Defense HUMINT operations world-wide. In that capacity I commanded all overt and clandestine HUMINT forces in the Department of

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Defense. I am an experienced and qualified clandestine operations case officer, and I have been decorated twice by the Central Intelligence Agency for the recruitment of foreign agents on behalf of that agency. I also recruited many foreign agents for the Department of Defense during the period of my service. In government service I traveled extensively and lived in or visited every country in the Middle East.

5. Following my departure from government service, I was employed for ten years as an executive by an Arab Muslim (Lebanon) owned conglomerate of companies engaged in the manufacture and engineering of construction materials, principally sewer, water and chemical industry pipe and associated tanks, manhole inserts and similar fittings. The company owned and operated factories in many countries in the Middle East, Europe and the United States. In the course of this employment I traveled widely and lived in the UAE (TC) for six months. (Dubai)

B. Materials Reviewed to Form an Expert Opinion

6. In preparing to provide my opinion in this case, I reviewed documents provided to the FBI by the Russian internal counterintelligence and security service now named "The Federal Security Service of the Russian Federation." This organization is often simply referred to as the FSB.
7. At a Moscow meeting in December, 2008, it is reported that the FSB provided the FBI with a mass of documents and recordings supposedly germane to this case. I have been provided some of these documents and other materials for review. (pages 2206GOV through 2427GOV, including five discs marked 2472,2284, 2324 and 2326. Also enclosed in what I was given to review are pages marked 2542-2554 and 2849-2879 from the same Russian transfer of documents to the FBI.)

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8. I have reviewed the Arabic and English documents with care and have viewed the videos as well. All of these materials appear to me to be the fruits of normal FSB operations against separatist Muslim individuals and activities located within the territory of Russia in places like Chechnya or of FSB operations within neighboring states that are parts of the former Soviet Union.

C. Opinion

9. The FSB organization is the direct descendant of the internal security and secret police units of the Soviet "Committee for State Security," (the KGB). It employs many of the same personnel, occupies the same facilities and has nearly all the functions of that part of the KGB. This includes internal telecommunications monitoring, *provocateur operations* against internal dissidents and black propaganda operations intended to neutralize actual or potential opponents of Russian state power. Such supposed enemies often include foreign police and intelligence organizations like the FBI, the CIA, US Homeland Security, the US National Security Agency and similar groups. In the service of state security the FSB has on many occasions proven itself to be a completely unreliable "partner" in liaison relationships with foreign police and intelligence services that have sought their assistance.
10. The FSB is an organization that can not be trusted or relied on. The recent apparent attempt at entrapment of an American Diplomat in Russia is an example of their real sentiments and intentions.
11. The fall of the Soviet Union left the FSB, the SVR (Russian External Intelligence) and the GRU (Russian General Staff Military Intelligence) without funding with which

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to continue to exist. For a number of years, the Russian state was desperately poor and these organizations were told to find their own funds or expect to go out of existence. As a result all of these services went into business to find commercial sources of income in order to continue their way of life. In the case of the GRU and FSB, working relationships with GAZPROM and other economic oligarchic enterprises were formed that brought in a lot of money through monopolistic control of former Soviet government assets and a police guarantee of an absence of competition in the marketplace. The continuing conduct of unregulated business operations of doubtful ethics and even legality has not improved the reliability of any of these organizations and least of all of the FSB.

12. The FSB is engaged in support of Russian government suppression of Muslim separatist groups. As a result it maintains a large archive of internet web site recordings pertinent to those groups, audio recordings of intercepted conversations among members of such groups and captured documentary material from raids on Muslim underground facilities either in the Russian Federation or in neighboring countries like Azerbaijan. In addition to these kinds of sources of materials the FSB also conducts penetration operations of Muslim rebel groups. The de-briefing of one such source is included in the materials that I was given.
13. Russia is conducting a war against Muslim rebel separatists. The FSB is a "front-line" unit in that war. The rebels that they are fighting are varied in character although all are Muslims. Some are Wahhabi oriented *takfiri jihadis* affiliated with Al-Qa'ida. Others are Muslim mystics, members of *Sufi* brotherhoods who are deeply hated by the Wahhabi fanatics of Al-Qa'ida. In my experience, the Russians

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do not distinguish among the groups, even though the Sufis have never been enemies of the United States.

14. The FSB motivation in providing this material to the FBI must be questioned. The FSB is not to be trusted in its dealings with the FBI when Russian, as opposed to U.S., interests are implicated. History dictates that it was not from a sense of fraternal solidarity and in the spirit of Russian-American friendship. The answer to this question is clear. The FSB wanted to share in the knowledge derived from searches of Mr. Sedaghaty's premises and property in Oregon. The FSB is a combat-support intelligence force in the Russian Army's struggle against the possible dissolution of the Russian Federation along ethnic lines. In a war as difficult and desperate as the one being fought by the Russians against secession, any sort of trickery or falsehood is acceptable to them if there is an advantage in knowledge or intelligence for one's own side.
15. My experience is that the Russian FSB have not hesitated to falsify documents or imply significance to alleged videotaped meetings or wiretapped telephone conversations if there was an advantage in doing so.
16. Previous experience with the Russian (formerly Soviet) service mentioned above indicates that not only would they not have hesitated to, but indeed, a large part of their operating methodology in the past consisted of, deliberately falsifying material in the press as well as in personal meetings with foreign personnel with whom they claimed to wish to cooperate.
17. As a Department of Defense HUMINT (espionage) case officer as well as Defense and Army Attaché in a number of places, I have had occasion as part of my duties

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to associate with many Soviet KGB and GRU (military intelligence) people as well as the representatives of the successor agencies of the Russian state. They could not be trusted. Any materials supplied by these Russian agencies should be treated with the greatest suspicion as having been produced for some reason unrelated to a search for truth.


18. All of the documents provided by the FSB should be thought of as possible forgeries produced for some temporary advantage involved in management of the exploitation of their relationship with the FBI. None of the documents that I reviewed provide any "pedigree" at all as to the place, time and manner in which they were supposedly obtained by the FSB. If the FBI has such documentation it did not provide it with the documents.
19. Similarly, the FSB documents that purport to be transcripts of intercepted telephone conversations do not have attached to them any indication of the time and place of intercept. Without such validating information, these transcripts have little credibility. Counsel for Sedaghaty indicates to me that the FSB says it no longer has the actual intercept tapes. I find that hard to believe. An organization of that scale and experience does not throw anything of the sort away. It archives its information forever. The claim that the FSB no longer has the original audio recordings adds to my suspicion of the truth of the evidence.
20. Some of the supposed audio intercept material is claimed to be a transcript of a conversation between a former head of the "Al-Haramain Foundation" and a Mujahid commander in which the two discuss military materiel support provide by the "Al-Haramain Foundation" to the Mujahideen. My thirty years experience in

working with or about Muslim government officials, businessmen and religious figures causes me to believe that such a conversation is very unlikely to have happened. Arabs and Muslims are extremely sensitive and paranoid on the subject of the probability of the interception of telephone conversations. These men, speaking on an unencrypted ordinary telephone circuit would have been virtually certain that either the Russians or Americans would be likely to intercept the call. They would likely have been correct in thinking that. Key words in the conversation would have caused a computer somewhere to start recording the call and to bring it to the attention of an intercept operator.

21. On the basis of all these considerations, I find it very likely that the FSB fabricated much of this "evidence."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 22nd day of October, 2009.


Colonel Walter Patrick Lang